

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

SENTRY INSURANCE A MUTUAL  
COMPANY AS SUBROGEE OF  
H&R PARTS CO., INC.,

Plaintiff,

v.

No. 20-1004-SAC-TJJ

TPI CORPORATION and  
CHROMALOX, INC.,

Defendants.

MEMORANDUM AND ORDER

The plaintiff Sentry Insurance Mutual Company ("Sentry") moves for voluntary dismissal without prejudice pursuant to Fed. R. Civ. P. 41(a)(2). ECF# 70. In December of 2020, the court granted the defendant Chromolox, Inc.'s motion to dismiss for lack of personal jurisdiction. ECF# 64. Sentry seeks dismissal because it has determined that Chromolox is a necessary party to this litigation and that personal jurisdiction can be obtained in Tennessee. ECF# 70, ¶¶ 7-8.

The time for responding to Sentry's motion to dismiss without prejudice has expired without the defendant TPI Corporation filing a response opposing the motion or suggesting any terms for dismissal. The court will not act on its own to impose any conditions, as it fully expects the parties will not unnecessarily repeat any discovery completed here and,

instead, will use that completed discovery in any future proceeding as allowed by that presiding court.

IT IS THEREFORE ORDERED that the plaintiff Sentry's motion to dismiss without prejudice (ECF# 70) is hereby granted pursuant to Fed. R. Civ. P. 41(a)(2).

Dated this 21st day of July, 2020, Topeka, Kansas.

/s Sam A. Crow  
Sam A. Crow, U.S. District Senior Judge